

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SCOTT J. NJOS,

Plaintiff,

v.

S. ARGUETA, et al.

Defendants.

Civil Action No. 3:12-CV-1038

(Judge Kosik)

ORDER

AND NOW, THIS 22nd DAY OF SEPTEMBER, 2015, IT APPEARING TO THE COURT THAT:

(1) On August 31, 2015, Magistrate Judge Joseph F. Saporito, Jr. filed a Report and Recommendation (Doc. 213), wherein he recommended that the Motion to Dismiss (Doc. 144) filed by Defendant Gemberling be granted and that the Plaintiff be granted leave to amend the Complaint;

(2) No Objections were filed to the Report and Recommendation;

(3) On September 15, 2015, Plaintiff filed a "Motion for Leave to Amend His Complaint as Recommended in Doc. 213 R&R with Attached Proposed Amendment" (Doc. 214);

(4) A Verified Amended Complaint (Doc. 215) was filed with the court;

AND, IT FURTHER APPEARING THAT

(5) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987);

(6) We have reviewed the Report and Recommendation of the Magistrate Judge and agree with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Joseph F. Saporito, Jr. dated August 31, 2015 (Doc. 213) is **ADOPTED**;

(2) The Motion to Dismiss of Defendant Gemberling (Doc. 144) is **GRANTED**;

(3) The Plaintiff's Motion for Leave to Amend His Complaint (Doc. 214) is **GRANTED**;

(4) The Plaintiff's Verified Amended Complaint (Doc. 215) is **ACCEPTED**; and,

(5) The above-captioned action is **REMANDED** to the Magistrate Judge for further proceedings.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge